

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ST. PAUL SURPLUS LINES INSURANCE CO. *CIVIL NO. 6: 10-0714

VERSUS *JUDGE DOHERTY

ACE AMERICAN INSURANCE CO. *MAGISTRATE JUDGE HILL

REPORT AND RECOMMENDATION

For those reasons set forth in the Report and Recommendation issued this date on Ace's Motion to Dismiss and alternative Motion to Transfer, in response to St. Paul's claims, recommending that this action be transferred to the United States District Court for the Northern District of Oklahoma pursuant to 28 U.S.C. § 1404(a) for the convenience of the parties and witnesses and in the interest of justice, it is recommended that the Ace's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue pursuant to F.R.C.P. 12(b)(2) and 12(b)(3), respectively, and Ace's Motion to Transfer pursuant to 28 U.S.C. § 1406 and 1404 [rec. doc. 24], in response to PetroQuest's claims, be **DISMISSED AS MOOT**, since the grant of Ace's previous Motion to Transfer pursuant to 28 U.S.C. § 1404(a) preterms any need for the Court to consider these Motions.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by F.R.C.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. Douglass

v. *United Services Automobile Association, 79 F.3d. 1415 (5th Cir. 1996).*

Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing.

Signed in Lafayette, Louisiana, October 11, 2010.


C. Michael Hill
C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE